

Vinson & Elkins
ATTORNEYS AT LAW

VINSON & ELKINS L.L.P.
2300 FIRST CITY TOWER
1001 FANNIN STREET
HOUSTON, TEXAS 77002-6760
TELEPHONE (713) 758-2222
FAX (713) 758-2346

Writer's Phone: (713) 758-2528
Writer's Fax: (713) 615-5311

SDMS Document



103988

E-mail: cdinkins@velaw.com
Web: www.velaw.com

September 13, 2001

VIA FEDERAL EXPRESS – OVERNIGHT DELIVERY

Patricia Hick, Esq.
Kadari Reddy, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 17th Floor
New York, New York 10007-1866

RECEIVED
SEP 24 2001

Re: Diamond Alkali Superfund Site, Passaic River Study Area
Request for Information Pursuant to 42 U.S.C. 9601-9675

Dear Ms. Hick and Ms. Reddy:

This letter follows up the discussion at our meeting of Thursday, September 6, 2001, between you, Corrine Hawkins, Paul Bohannon, Paul Herring and the undersigned. We appreciate having had the opportunity to meet concerning the above-referenced information request, (hereinafter "Information Request") which request was received by Chemical Land Holdings, Inc. ("CLH") on August 16, 2001. Please consider this letter and our meeting as initially responsive to this Information Request, as CLH desires to respond in a timely manner.

At the outset of our meeting, you inquired about the bibliography that Clifford Firstenberg of CLH had provided Richard Winfield, Remedial Project Manager, by letter dated June 29, 2001. Mr. Firstenberg has confirmed that this bibliography includes all references set forth in the draft HydroQual Report referenced in Item 1 of Attachment B of the Information Request, and it also lists publications regarding the Newark Bay Estuary, not just those related to the Passaic River Study Area. This document was specifically created to respond to Mr. Winfield with as extensive and updated a list as possible at that time. Mr. Firstenberg also committed to provide an updated bibliography and associated new documents (if possible) on a periodic basis.

Paul Bohannon
Paul Herring
Andrew & Knth.

In response to the Information Request, please be advised that the draft HydroQual report, which is the subject of Item 1 of Attachment B, constitutes attorney work product, and we, therefore, decline on behalf of CLH to provide a copy. For your additional information, and as we have explained via teleconference and in our meeting, review of the draft HydroQual Report and files reveals that that work was based on existing, publicly-available data. There was no independent data collection for that draft report.

Item 2 of Attachment B to the Information Request is prefaced with a quote from the Passaic River Restoration Initiative website concerning the "[m]ore than \$27 million worth of environmental studies regarding the Passaic River" In our September 6 meeting, we discussed the type of studies included with this dollar figure. Sometime about or just following the first quarter of 1999, CLH reached that amount, which includes, for example, considerable sampling and analytical work prior to the negotiations that led to the Administrative Order on Consent ("AOC") as well as work to support those negotiations, investigations to identify other potentially responsible parties, the Company's own internal costs to administer this work, and, of course, work conducted pursuant to the AOC. Of the \$27 million, more than \$11 million had been spent to implement the AOC by mid 1999.

In considering the requests in Item 2, we have inquired of CLH as to whether it has collected any chemical, physical or biological data that have not already been provided to EPA or that it will not provide in the Remedial Investigation/Feasibility Study process under the AOC. CLH advises that it has not.

Based on this information and our discussions on September 6, we would very much appreciate EPA clarifying the scope of its Information Request. Please do not hesitate to call if you have any questions.

Yours very truly,

Carol E. Dinkins
LME

Carol E. Dinkins

ced:lme
653660_1.DOC

< AOC \$16,000,000

> AOC \$11,000,000

Send to:

- 1) Hirsch Park Sampling
- 2) Debris Inventory
- 3) Calibration of Equipment